

KIRTON LAW FIRM

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VIA ELECTRONIC FILING

Honorable P. Kevin Castel
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *United States v. Nicholas Joseph, 20 cr. 603 (PKC)*

Dear Judge Castel:

I represent Nicholas Joseph in the above-referenced matter. The Defense seeks to introduce evidence of Mr. Joseph's 2020 lawsuit settlement over the objection of the Government.

BACKGROUND

Mr. Joseph is charged, inter alia, with a racketeering conspiracy. The Government contends that one of the predicates for Count One is bank fraud.¹ The Government introduced evidence that Mr. Joseph sold drugs.² The Government introduced evidence that Mr. Joseph was involved in bank fraud.³ The Government introduced a rap video, made by Mr. Joseph, where large sums of cash were displayed.⁴

ARGUMENT

The Defense obtained settlement documents from Mr. Joseph's civil attorney, Peter T. Ridge.⁵ It includes a copy of a check for \$21,535.00 to Mr. Joseph, dated May 18, 2020. Also

¹ Trial Transcript, 9/15/21, page 377 line 25 to page 378 line 3.

² Tr. p. 308 line 10 to line 15.

³ Tr. p. 375 line 15 to p. 376 line 6.

⁴ Tr. p. 377 line 12 to p. 378 line 5.

⁵ The Defense turned over copies of the documents to the Government last week.

included is a settlement statement. Finally, a document shows Mr. Joseph took an advance of \$4825.62 from a funding company before receiving his settlement. Mr. Joseph had access to more than \$25,000 of legitimate funds within the charged conspiracy period. This evidence will counter the Government's narrative that Mr. Joseph was wholly engaged in drug dealing, bank fraud, and other criminal activity.

Please contact me if you have any questions or concerns.

Sincerely,

s/Marlon G. Kirton

Marlon G. Kirton, Esq.

cc: Andrew Chan, Assistant United States Attorney (via electronic mail)
Celia Cohen, Assistant United States Attorney (via electronic mail)
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